



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Garvey**

Application No: **10/760,672**

Group Art Unit: **1654**

Filed: **January 21, 2004**

Examiner: **Maury A. Audet**

For: **Methods of Use for Novel Sulfur Containing Organic Nitrate Compounds**

Attorney Docket No: 102258.137 US2

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**Response to Notice to Comply with Requirements for Patent Applications
Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures**

This Response is submitted in reply to the Notice to Comply that accompanied the Office Action dated May 4, 2005, for which a response is due on or before August 4, 2005. A copy of the Notice to Comply is attached hereto.

Applicant respectfully submits that the application does not contain any nucleotide sequences. Accordingly, a nucleotide sequence cannot be provided to the Office.

Applicant respectfully submits that the application does not specifically illustrate any amino acid sequences as required by 37 CFR § 1.821.

37 CFR § 1.821(a) states:

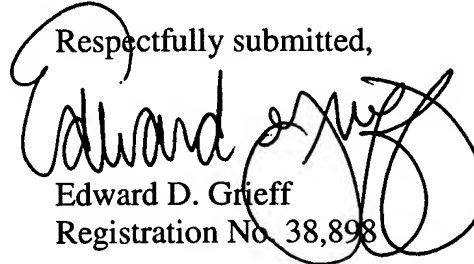
"Nucleotide and/or amino acid sequences as used in §§ 1.821 through 1.825 are interpreted to mean an unbranched sequence of four or more amino acids.... Sequences with fewer than four specifically defined nucleotides or amino acids are specifically excluded from this section. 'Specifically defined' means those amino acids other than 'Xaa'...."

Applicant respectfully submits that the present application does not specifically illustrate any "unbranched sequence of four or more amino acids." Such amino acid sequences, however, may fall within the scope of the Compounds of Formulas (I) and (II) (*see, e.g.*, definitions of R³ and R^{3a}).

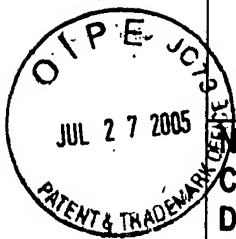
The Rule indicates that "[s]equences with fewer than four specifically defined ... amino acids are specifically excluded...." from the requirements of § 1.821.

In view of these requirements set out in § 1.821, Applicant is not required to submit a Sequence Listing in conjunction with the present application.

No fees are due at this time; however, the Commissioner is authorized to charge any necessary fees or credit any overpayments to Deposit Account No. 08-0219 to maintain the pendency of the present application.

Respectfully submitted,

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Date: July 27, 2005
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Notice to Comply

Application No.

10/087942

Applicant(s)

Campbell et al.

Examiner

J. Brusca

Art Unit

1631

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set in the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: Amino acid sequences listed in claims 27-28 should be identified by a sequence identifier.

Applicant Must Provide:

- ☐ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-2510

For CRF Submission Help, call (571) 272-2501/2583.

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